



# N.J. Victims of Crime Compensation Board

*When it seems no one cares, we do!*

Quarterly Newsletter

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## Increased Revenue Allows New Benefits to Victims

The VCCB has been able to add several **new benefits** for victims, due to the increased levels of penalty revenue collection and the commissary surcharge monies. The first two recently added benefits particularly address the needs of domestic violence victims who are trying to start a new life. **Limited reimbursement for child care/elder care** allows the victim of domestic violence who has been caring for children and/or elderly parents to get out of the house and into either job training or employment. More importantly, the Board can now pay **loss of support from the offender**. The loss of the offender's income is a major reason why many victims of domestic violence remain in a bad situation. Along with compensation for counseling to establish self-esteem, this financial support can be vital in ending the cycle of dependence on the abuser. If the court has ordered the offender to pay support, but the offender cannot be located, the Board will pay the loss of support until that amount can be recovered from the offender. (Continued on back page)

## What's New?

- \* Three VCCB staff are now certified as members of the National Crisis Response Team - Ronald Parke (Executive Administrator), Mimi Rosenshein (Public Outreach) and Craig DiFiore (Compensation Investigator.)
- \* The VCCB has new investigator! Suzanne Golda joined our staff in February as an Eligibility Investigator. Suzanne is a graduate of Seton Hall University.
- \* Commissioner Jacob C. Toporek was elected President of the National Association of Crime Victim Compensation Boards at the annual conference held in San Francisco in November.

*Please feel free to reproduce any article in this newsletter.*

## Let's Look at a Typical Claim

Just what can the VCCB do to serve a victim of a violent crime? The following is a fictional claim which is a composite of very typical claims that are submitted to the VCCB.

Mary has been the victim of a brutal sexual assault, perpetrated by a man who has sworn that he will "get her" when he gets out.

Mary, initially, needs medical treatment for cuts, bruises, a severely sprained shoulder, a dislocated hip and the physical damage of the rape itself. She will need counseling to recover her emotional well-being. She will need physical therapy for her shoulder and hip. She will miss three months of work. She does not want to return to the apartment where she was raped and needs to relocate, so that, hopefully, the offender will not be able to find her when he is released.

The VCCB Eligibility investigator makes an Emergency Award of \$1500 to cover part of the time off work, so that the victim is able to pay her current rent, although she is living with a friend while she heals and looks for a new place to live. This money also helps with food and prescriptions.

The claim moves on to the Compensation investigator to verify the rest of her losses. Her insurance pays portions of the doctors' bills, hospital bills, physical therapy bills and mental health counseling bills. The investigator takes the balances of these bills, the rest of loss of earnings for the period of disability verified by her doctor, and out-of-pocket expenses for pharmacy, and transportation to and from physical therapy. During this process the victim has located another apartment in a new city. The investigator figures in the difference in the rent, the cost of moving and makes an award to cover all these losses.

Mary's body is healing, her psyche is healing, and she feels secure in her new home. She is now better prepared to face the criminal trial of the offender as the key witness and move forward with her life.

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The biggest new benefit to victims is **catastrophic injury compensation**. This offers an additional \$25,000 over and above the eligibility for the normal maximum award of \$25,000, for those victims who have suffered life-altering catastrophic injuries. Those benefits offered under the original award will be paid out of that first \$25,000. At the same time, a catastrophic injury claim will be opened, and expenses that qualify under a separate set of rules can be paid, (home modifications, car modifications, vocational rehabilitation, follow-up surgeries, continued physical rehabilitation, speech therapy, long term nursing care, medical equipment, etc.)

The most recent addition to the list of benefits to victims is **crime scene clean up**. Particularly in the case of homicides, cleaning the crime scene can be a gruesome and disturbing task. The VCCB will now cover crime scene clean up by a professional company that specializes in this type of cleaning. By authorizing this work through a pre-approval letter, the work can be done within 48 hours of the crime.

A change in administrative rules and regulations also **changed the status of a homicide survivor** from a “secondary victim” to a “direct victim” for purposes of counseling. Ordinarily, a secondary victim or group of secondary victims (parents, children, siblings) is only entitled to a maximum of \$7,000 of the available \$25,000 on a claim, which includes a maximum of 24 counseling sessions, or 30 sessions if they witnessed the crime. Up until this recent change in status, a secondary victim could be eligible for an additional 15 sessions in a death claim. Now, a homicide survivor is treated as a direct victim and allowed 100 sessions or \$10,000 for counseling, whichever is less.

**State of NJ**  
**Victims of Crime Compensation Board**  
**50 Park Place**  
**Newark, NJ 07102**



## Commissioner's Corner

By Chairman James K. O'Brien

It is hard to believe that 2001 is the tenth anniversary of the Victims' Rights Amendment to our state Constitution. I remember thinking on that election night that the next day there would still be as many abuses of victims as the day before. However, this would be a beginning and that within 5 to 10 years we would elevate victims' rights to a status equal to, but separate from, the rights of the accused.

Ten years have passed and the status of victims' rights is a mix of tremendous strides and frustrating failures. While we could cite many shortcomings and victories, it can be summed up in one case.

When the victim impact evidence in a capital case was declared unconstitutional by an Appellate judge in a 23 page opinion where, unbelievably, he never mentioned the Victims' Rights Amendment, the NJ Supreme Court overturned his opinion. Writing for the majority, Justice Garibaldi stated “in the absence of the Victims' Rights Amendment, we might have continued to hold that the victim impact evidence should not be permitted during the sentencing phase of a capital case. However, the electorate, by passing the Victims' Rights Amendment have mandated that the victim impact evidence must be admitted.” One court did not even recognize the amendment, but the NJ Supreme Court based their opinion squarely on it.

In the next decade, abuse of victims rights will diminish and, because of the amendment, we will inch closer to our goal that victims' rights be equal to, but separate from, the rights of the accused.